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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: §  
Martin Debreczeny § Confirmation No. : 8831  
Serial No.: 10/820,637 §  
Filed: April 07, 2004 § Group Art Unit: 3768  
For: Photoplethysmography With A §  
Spatially Homogenous Multi-Color § Examiner: Winakur, Eric Frank  
Source § Atty. Docket: TYHC:0041/FLE/RAR  
§ P0396R  
§

Mail Stop Appeal Brief  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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37 C.F.R. 1.8

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December 1, 2009

/Michael G. Fletcher/

Date

Michael G. Fletcher

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Appellant is currently providing a courtesy duplicate copy of the Notice of Appeal as requested by the Board of Patent Appeals and Interferences. The Notice of Appeal was originally filed on December 2, 2009 via first class mail (copy of postcard is attached to document) and the fee of \$540 was paid on same date via credit card.

If anything else is required in the review of Appellant's Appeal, the Board is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: December 1, 2009/Michael G. Fletcher/

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NELLCOR PURITAN BENNETT LLC  
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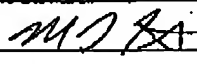
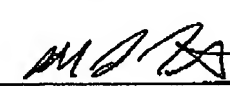
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PTO/SB/31 (08-08)

Approved for use through 09/30/2008. OMB 0851-0031

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| NOTICE OF APPEAL FROM THE EXAMINER TO<br>THE BOARD OF PATENT APPEALS AND INTERFERENCES  |  | Docket Number (Optional)<br>TYHC:0041/FLE<br>P0396R  |  |
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| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]<br>on <u>December 2, 2008</u><br>Signature <u></u><br>Typed or printed name <u>Michael G. Fletcher</u> |  | In re Application of<br><b>Martin Debreczeny</b>   |  |
|   |  | Application Number<br><b>10/820,637</b>  | Filed<br><b>April 7, 2004</b>          |
|   |  | For: Photoplethysmography with a Spatially Homogenous Multi-Color Source                                 |  |
|   |  | Art Unit<br><b>3768</b>  | Examiner<br><b>Winakur, Eric Frank</b> |
| Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.   |  |  |  |
| The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))   |  | \$ <b>540.00</b>   |  |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:  |  | \$ _____   |  |
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| <input type="checkbox"/> applicant/inventor.  |  | <u></u><br>Signature |  |
| <input type="checkbox"/> assignee of record of the entire interest.<br>See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.<br>(Form PTO/SB/98)   |  | <u>Michael G. Fletcher</u><br>Typed or printed name  |  |
| <input checked="" type="checkbox"/> attorney or agent of record. <b>32,777</b><br>Registration number _____   |  | <u>281-970-4545</u><br>Telephone number  |  |
| <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.<br>Registration number if acting under 37 CFR 1.34. _____  |  | <u>December 2, 2008</u><br>Date  |  |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.   |  |  |  |
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## Identification of Application:

Serial No. 10/820,637Title Photoplethysmography with Spatially Heterogeneous Multi-Color SourceApplicant Martin DebreczenyClient Tyco HealthcareFile No. TYHC:0041 (P0396R)Mailed December 2, 2008Attorney FLE/RAR/COHFiled April 7, 2007

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